



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

REGION 5  
BANK OF AMERICA CENTER, TOWER II  
100 S. CHARLES STREET, STE 600  
BALTIMORE, MD 21201

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
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November 21, 2012

Mr. Ronald A. Mikell, President  
National League of Justice and Security  
Professionals (NLJSP)  
7528 June St.  
Springfield, VA 22150-3925

Re: First Coast Security  
Case 05-RC-092557

Dear Mr. Mikell:

The above-captioned case, petitioning for an investigation and determination of representative under Section 9(c) of the National Labor Relations Act, has been carefully investigated and considered.

***Decision to Dismiss:*** As a result of the investigation, I have decided to dismiss your petition. On November 5, 2012, you filed a petition seeking to represent a unit of security officers employed by First Coastal Security, at the DHS facility, currently located at 800 K Street NW, Washington, DC. As your petition acknowledges, these employees are currently represented by the National Association of Special Police & Security Officers (NASPSO), the Intervenor in this matter. The investigation revealed that on about October 1, 2012, the Employer replaced The WhiteStone Group as the security contractor at this building. Additionally, since the Employer's complement of employees was made up of a majority of the employees previously employed by WhiteStone, the Employer legally became a successor to WhiteStone.

On November 9, 2012, the undersigned issued a Notice to Show Cause as to why the undersigned shouldn't dismiss the instant petition because of the presence of a successor bar. In your response, you assert that the petition should be processed to an election, because of how badly Intervenor NASPSO failed to properly assert the rights of discharged employees of WhiteStone under the Non-Displacement of Qualified Workers, Executive Order 13495. Additionally, you assert NASPSO has abandoned the unit by its failure to pursue certain grievances pertaining to wage, hours, and other terms and conditions of employment. By your own admission, however, NASPSO served on the successor Employer a demand for recognition and a request for adoption of the collective-bargaining agreement it had negotiated with WhiteStone. Nothing in your response to the Notice to Show Cause warrants a hearing. In light of the Board's holding in UGL-UNICCO Service Co., 357 NLRB No. 76, in which the Board determined that an incumbent union who must bargain with a successor employer has the right to a bar from outside petitions for a period of six months to one year, I have concluded that a successor bar exists in the instant matter, and therefore your petition is hereby dismissed.

Accordingly, I am dismissing the petition in this matter.

***Right to Request Review:*** Pursuant to Section 102.67 of the National Labor Relations Board's Rules and Regulations, you may obtain a review of this action by filing a request with the Executive Secretary, National Labor Relations Board, 1099 14th Street, N.W., Washington, D.C. 20570-0001. The request for review must contain a complete statement of the facts and reasons on which it is based.

***Procedures for Filing Request for Review:*** A request for review must be received by the Executive Secretary of the Board in Washington, DC, by close of business (**5 p.m. Eastern Time**) on **December 5, 2012**, unless filed electronically. If filed electronically, it will be considered timely if the transmission of the entire document through the Agency's website is **accomplished by no later than 11:59 p.m. Eastern Time on December 5, 2012**.

**Consistent with the Agency's E-Government initiative, parties are encouraged, but not required, to file a request for review electronically.** Section 102.114 of the Board's Rules do not permit a request for review to be filed by facsimile transmission. A copy of the request for review must be served on each of the other parties to the proceeding, as well as on the undersigned, in accordance with the requirements of the Board's Rules and Regulations.

Filing a request for review electronically may be accomplished by using the Efiling system on the Agency's website at [www.nlrb.gov](http://www.nlrb.gov). Once the website is accessed, click on **File Case Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt of the request for review rests exclusively with the sender. A failure to timely file the request for review will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off line or unavailable for some other reason, absent a determination of technical failure of the site, with notice of such posted on the website.

Upon good cause shown, the Board may grant special permission for a longer period within which to file a request for review. A request for extension of time, which may also be filed electronically, should be submitted to the Executive Secretary in Washington, and a copy of such request for extension of time should be submitted to the Regional Director and to each of the other parties to this proceeding. A request for an extension of time must include a statement that a copy has been served on the Regional Director and on each of the other parties to this proceeding in the same manner or a faster manner as that utilized in filing the request with the Board.

Very truly yours,

/s/Wayne R. Gold

Wayne R. Gold  
Regional Director

cc: See page 3

cc     Office of the Executive Secretary  
        Franklin Court Building  
        National Labor Relations Board  
        1099 14<sup>th</sup> Street NW  
        Washington, DC 20570

        Mr. Earle Ginn  
        First Coast Security  
        800 K St. NW  
        Washington, DC 20001-8000

        National Association of Special Police  
        & Security Officers (NASPSO)  
        10 "G" Street NE, Suite 710  
        Washington, DC 20002